

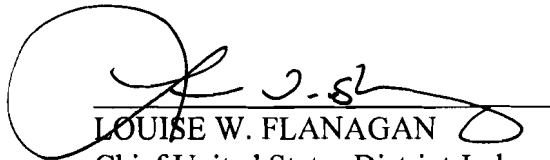


within the time set by the court but does not agree to have the motion recharacterized, the court will not treat it as a § 2255 motion but shall rule on the merits of the motion as filed.

If movant agrees to or acquiesces in the recharacterization, the court shall permit amendments to the motion to the extent permitted by law. See United States v. Emmanuel, 288 F.3d 644, 649 (4th Cir. 2002) (noting that amendments to a § 2255 motion made after expiration of the one-year statute of limitations do not relate back to the original motion and are therefore untimely), overruled on other grounds by, United States v. Blackstock, 513 F.3d 128, 132-133 (4th Cir. 2008). Movant is advised that the format of any § 2255 motion must comply with Rule 2, Federal Rules Governing § 2255 Proceedings, and Local Civil Rule 81.2 of this court. All filings, including § 2255 motions on the correct form, must be submitted to:

Clerk of Court  
United States District Court, E.D.N.C.  
Terry Sanford Federal Building  
310 New Bern Avenue, Room 574  
Raleigh, NC 27601  
ATTN: Prisoner Litigation Division

SO ORDERED, this the 23<sup>rd</sup> day of November, 2010.

  
LOUISE W. FLANAGAN  
Chief United States District Judge